

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1858.—Ordered to be printed.

Mr. BENJAMIN made the following

REPORT.

[To accompany Bill S. 40.]

The Committee on Private Land Claims, to whom was referred Senate bill No. 40, entitled "An act to settle doubts in relation to the title of certain common field lots in the State of Missouri, heretofore granted to the inhabitants of the city of St. Louis, for the support of schools," beg leave to report:

That on the 30th June, 1812, Congress passed an act directing a survey to be made of said city of St. Louis, and instructing the surveyor "to survey and mark the out boundary line of the said town, so as to include the out lots, common field lots and commons thereto belonging." And by the second section of the same act it was provided "that all town or village lots, out lots or common field lots *included in such survey* which are not rightfully owned or claimed by any private individuals, or held as commons, * * * * shall be reserved for the support of schools" in said city.

By act of 27th January, 1831, Congress ceded the title in the lands so reserved for the use of schools, directing said lands "to be sold, disposed of, or regulated for the said purpose in such manner as may be directed by the legislature of said State," (Missouri.)

The surveys above ordered were made more than twenty years ago, and title to the lots donated for the use of the schools, as "included in said survey," has been relinquished for that purpose by the government.

It is now stated that the surveys were wrong; that the lines were too restricted; that the surveyor omitted to include many out lots and common field lots which it was the intention of Congress to grant; and the bill under consideration proposes to relinquish the title of the government to the city of St. Louis, for the support of its schools, of a number of lots not included in the survey.

The committee have not deemed it necessary to make examination of the facts alleged in relation to the survey, because it has ascer-

tained that all the lands and lots which the bill proposes to cede to the city of St. Louis, are in possession of adverse claimants; and the effect of the passage of the proposed bill would be, to vest in the city of St. Louis such legal title as would enable it to institute actions of ejectment against the present possessors, and oust them in the event of any imperfections in the titles under which they now hold.

It is believed that such action, on the part of Congress, would be unwise and impolitic. If the government really owns the land, let its title be asserted, and then such disposition may be made of it as Congress may deem proper. But the transfer of a litigious right, with the avowed purpose of enabling the grantee to bring suits against parties in possession, under color of title, is believed by the committee to be without precedent in our legislation, and not consistent with public policy or the dignity of the government.

They therefore pray to be discharged from the further consideration of the bill, and recommend its rejection.

REPORT.

(The accompanying bill is 40.)

The Committee on Private Land Claims, to whom was referred Senate bill No. 40, entitled "An act to settle doubts in relation to the title of certain common field lots in the State of Missouri, heretofore granted to the inhabitants of the city of St. Louis, for the support of schools," beg leave to report:

That on the 30th June, 1812, Congress passed an act directing a survey to be made of said city of St. Louis, and instructing the surveyor "to survey and mark the out boundary line of the said town, so as to include the out lots, common field lots and commons thereto belonging." And by the second section of the same act it was provided "that all town or village lots, out lots or common field lots included in such survey which are not rightfully owned or claimed by any private individuals, or held as commons, shall be reserved for the support of schools," in said city.

By act of 31st January, 1831, Congress ceded the title in the lands reserved for the use of schools, directing said lands "to be sold, disposed of, or regulated for the said purpose in such manner as may be directed by the legislatures of said State," (Missouri.)

The surveys above ordered were made more than twenty years ago, and title to the lots donated for the use of the schools, as "included in said survey," has been relinquished for that purpose by the government.

It is now stated that the surveys were wrong; that the lines were too restricted; that the surveyor omitted to include many out lots and common field lots which it was the intention of Congress to grant; and the bill under consideration proposes to relinquish the title of the government to lots not included in the survey.

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